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October 11, 2021

Magistrate Judge Kimberley A. Jolson
Joseph P. Kinneary U.S. Courthouse
Room 200
85 Marconi Boulevard
Columbus, OH 43215

Re: Employees Retirement System of the City of St. Louis, et. al., v. Charles E. Jones, et. al. (Case No. 2:20-cv-04813)

Dear Judge Jolson:

During the October 7 conference regarding the Plaintiffs' request for discovery, we offered to apprise the Court, in camera and ex parte, of the nature and progress of the Special Litigation Committee's ongoing and intense efforts to perform the extraordinarily complex task assigned to it by the company and by Ohio law. Specifically, the SLC must conduct an independent investigation and then determine which of many possible claims the company should bring against which of many possible defendants, and when to bring them, all the while taking into account the best interests of the company in light of (among other things) the various pending civil actions against it and its obligation to cooperate with the Department of Justice pursuant to the terms of a deferred prosecution agreement. The Court kindly agreed to pass our offer along to Chief Judge Marbley, before whom our motion to stay the proceedings in this case is pending.

Though we of course would appreciate the opportunity to make such a presentation to Chief Judge Marbley at any time convenient to him, I write to apprise the Court that I have an

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oral argument in an unrelated matter in the Sixth Circuit at 9:00 am on October 21, and could arrange to travel to Columbus either the day before, the day of, or the day after that argument.

As I mentioned during our conference, our goal is simple and narrow: to inform the Court in granular detail of how far the SLC has progressed despite having to engage in distracting litigation over stay requests in three lower courts and now in the Sixth Circuit as well, where we are seeking interlocutory review of the denial of our request by Judge Adams in the Northern District of Ohio. In their opposition to the pending motion to stay, Plaintiffs have asserted as follows: “Nowhere in its brief does the SLC even attempt to demonstrate how discovery going forward in this Action would interfere with, hinder, or have any effect whatsoever on the SLC’s purported investigation.” The SLC can indeed make such a demonstration, but doing it publicly would risk great harm to the company’s interests, defeating the very purpose of special litigation committees and the stay to which Ohio law entitles them. We ask only for an opportunity to make such a demonstration to the Court before it rules on the motion for a stay.

Sincerely,

/s/ John Gleeson
John Gleeson